


**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**

**FILED**  
AUG 22 2016  
  
CLERK

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LARSON MANUFACTURING COMPANY  
OF SOUTH DAKOTA, INC. and  
SUPERIOR HOMES, LLC,

CIV. NO 16- 4118

Plaintiffs,

vs.

WESTERN SHOWCASE HOMES, INC.,  
and AMERICAN MODULAR HOUSING  
GROUP, LLC, and AMERICAN MODULAR  
HOUSING GROUP, INC., and PAUL  
THOMAS,

Defendants.

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**NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
SOUTH DAKOTA

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant  
Western Showcase Homes, Inc., Defendant American Modular Housing  
Group, LLC, Defendant American Modular Housing Group, Inc., and  
Defendant Paul Thomas, file this Notice of Removal from the Circuit  
Court, Second Judicial Circuit of Minnehaha County, South Dakota, to  
the United States District Court for the District of South Dakota  
(Southern Division). Removal is based on the following grounds:

1. Plaintiffs in the action are Larson Manufacturing Company of South Dakota, Inc. ("Plaintiff Larson Manufacturing") and Superior Homes, LLC ("Plaintiff Superior Homes"). Defendants in the action are Western Showcase Homes, Inc. ("Defendant Western Showcase"), American Modular Housing Group, LLC ("Defendant American Modular LLC"), American Modular Housing Group, Inc. ("Defendant American Modular Inc."), and Paul Thomas ("Defendant Thomas"). All Defendants executed Admissions of Service on July 22, 2016. A copy of the Minnehaha County Circuit Court Summons, Complaint, and Admissions of Service are attached as "Exhibits 1-5."

2. On August 19, 2016, Plaintiff Larson Manufacturing and Plaintiff Superior Homes served an Amended Complaint upon Defendants' counsel. A copy of the Minnehaha County Circuit Court Amended Complaint is attached as "Exhibit 6."

3. This is a civil action in which Plaintiffs seek damages against Defendants for based upon several claims including, but not limited to, breach of contract, tortious interference with a business expectancy, unjust enrichment, conversion, and fraud and deceit.

4. Plaintiff Larson Manufacturing is a corporation formed under

the laws of South Dakota with its principal place of business in Brookings, South Dakota. (Exhibit 1, ¶ 1; Exhibit 6, ¶ 1). Therefore, Plaintiff Larson Manufacturing is a citizen of the State of South Dakota.

5. Plaintiff Superior Homes is a limited liability company formed under the laws of South Dakota with each member of Superior Homes, LLC being a citizen of South Dakota. (Exhibit 1, ¶ 2; Exhibit 6, ¶ 2). Plaintiff Superior Homes' principal place of business is Watertown, South Dakota. Therefore, Plaintiff Superior Homes is a citizen of the State of South Dakota.

6. Defendant Western Showcase is a Nevada corporation with its principal place of business in Las Vegas, Nevada. (Exhibit 1, ¶ 4; Exhibit 6, ¶ 4). Therefore, Defendant Western Showcase is a citizen of the State of Nevada.

7. Defendant American Modular LLC is a Nevada limited liability company with its principal place of business in Las Vegas, Nevada (Exhibit 1, ¶ 6; Exhibit 6, ¶ 6). Therefore, Defendant American Modular LLC is a citizen of the State of Nevada.

8. Defendant American Modular Inc. is a corporation formed under the laws of Saskatchewan, Canada, with its principal place of business in Las Vegas, Nevada. (Exhibit 1, ¶ 9 Exhibit 6, ¶ 9). Therefore,

Defendant American Modular Inc. is a citizen of Saskatchewan, Canada and the State of Nevada.

9. Defendant Thomas is a domiciliary of Las Vegas, Nevada and is a citizen of the State of Nevada. (Exhibit 1, ¶11; Exhibit 6, ¶ 11).

Defendant Thomas is an individual with his principal residence in the State of Nevada, where he has his residence in Las Vegas, Nevada.

Therefore, Defendant Thomas is a citizen of the State of Nevada.

10. The claims stated in Plaintiffs' Complaint are removable to this Court pursuant to 28 U.S.C. § 1332(a) as the District Court has original jurisdiction where the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.

11. This case may be properly removed to this Court as diversity of citizenship exists and the amount in controversy exceeds \$75,000.00. (See *e.g.*, Exhibit 1, ¶¶ 30, 43, 48, 58, 66, 72, 80, 86, 99, 107, 115, 127, 133, 138, 147, 152, 160, 166, 170, 174; See *e.g.*, Exhibit 6, ¶¶ 30, 43, 47-48, 58, 66, 70-72, 80, 85-86, 99, 107, 115, 127, 133, 138, 147, 152, 160, 166, 170, 176, 182, 186, 190).

12. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure.

12. All Defendants hereby provide consent to the filing of this Notice of Removal.

13. Notice is to be filed with the Clerk of the Circuit Court of the Second Judicial Circuit, Minnehaha County, South Dakota, and copy hereof is being served on Plaintiffs' counsel.

14. By filing this Notice of Removal, Defendants do not waive any objections as to service, jurisdiction or venue, or any other defenses, claims, or objections that may be relevant to this matter. Defendants intend no admission of fact, law, or liability by this Notice, and expressly reserve all defenses, claims, motions, and/or pleas that are available.

WHEREFORE, Defendants request that this action be removed from the Circuit Court, Second Judicial Circuit, Minnehaha County, South Dakota, to the United States District Court for the District of South Dakota (Southern Division).

Dated this 20<sup>th</sup> day of August, 2016.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on *August 22<sup>nd</sup>, 2016*, a true and correct copy of *Defendants' Notice of Removal (and Exhibits 1-6)* was served *via hand delivery, United States Mail, and electronic mail* upon:

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/s/ Scott R. Swier

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